C482 No. 173 of 2002

Hon'ble Irshad Hussain, J.

Heard Sri Sudhir Singh, learned counsel for the applicant and the learned A.G.A. appearing on behalf of the State.

This criminal petition under section 482 of the Code of Criminal Procedure (for short "Code") is directed against the order dated 03.12.2001 passed by the learned Sessions Judge, Bageshwar, of the Code, the petitioner-accused was summoned to stand trial for an offence punishable under section 120B of the I.P.C.

Perusal of the F.I.R. indicate that he was named as one of the co-accused with allegations of conspiracy to commit the murder of the victim. Although initially after investigation petitioner was not charge-sheeted, but in pursuance of the evidence of P.W. 1 recorded in the trial, an application under section 319 of the Code was preferred on behalf of the prosecution and the learned Sessions Judge on the appraisal of the material on record, summoned the petitioner-accused to stand trial for the offence as mentioned above.

The charge against the petitioner was framed and it has been reported that evidence of fact in the trial had already been recorded and the trial is soon to be concluded finally. This apart, it is of significance that petitioner was named in the F.I.R. and his involvement in the conspiracy was reiterated by the co-accused before the witness examined by the prosecution. Considering totality of the circumstances of the case, the impugned order does not suffer with the vice of illegality and therefore that are no cogent grounds to interfere with it and consequently petition is dismissed.

(Irshad Hussain, J.)

28.08.02/B